

Application No. 09/476,877  
Reply to Office Action of January 4, 2006

Docket No.: 21736-00010-US

### REMARKS

This is in response to the Quayle Action of January 4, 2006. The Office Action indicated that claims 87-194 are pending. The Office Action further indicated that the application is in condition for allowance except for formal matters with respect to claims 87, 97, 100, 107, 117, 120, 127, 137, 147, 157, 160, 167, 174, 181, and 188. The indication of allowable subject matter is acknowledged with appreciation. Applicant herewith amends claims 87, 91, 97, 100, 101, 107, 111, 117, 120, 127, 137, 140, 147, 157, 160, 167, 174, 181 and 188.

The Office Action indicated that the Examiner proposed changes to the claims related to "formal matters." In several places, the applicant has declined to follow the Examiner's suggestions because the proposed change would affect the scope of the claim. For example, in claim 87 line 13, the Examiner suggested changing "a" to ~~—said—~~. However, the claim has specified that bid information is transmitted to the auctioneer system which includes bids "each comprising a set identification  $S_i$  and a value parameter  $P_i$ ." The claim then specifies "at least one of the bids including a set identification  $S_i$  identifying..." The Examiner suggests changing "a set" to ~~—said set—~~. However, the claim as written specifies that a particular bid, "at least one", includes this particular set identification which identifies at least two different items. If the claim had been amended it would suggest that all of the bids include sets of "at least two different items." The Applicant has declined to amend the claim in this way because such an amendment would affect the scope of the claim.

In some of the claims, the Examiner suggested changing "a computer" to read ~~—said computer—~~. Such an amendment made to the claims as presented would imply that a single computer performed more than a single function, whereas the claims as now written, do not require this connotation although many claims encompass methods and systems where a single computer does perform multiple functions. The Applicant has avoided the need for restricting the scope of the claims in this way by deleting the occurrences of the phrase "a computer" that were inessential to the claims. Then, following the Examiner's suggestion, the first occurrence of the phrase within a claim uses the words "a computer" and subsequent occurrences of the phrase within a claim uses the words "said computer".

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Apart from the changes discussed in the previous two paragraphs, the Applicant has generally amended the claims in the manner suggested in the Office Action, except as indicated below.

The Office Action suggested in claim 87, line 19, changing "means for receiving bid information from users..." to ~~means for receiving bid information from said users~~. The Applicant has declined to amend the claim in this exact way because it would affect the scope of the claim. As written, the claim specifies that bid information is received from users. Amending the claim might suggest that bids must necessarily be received by all users which would affect the scope of the claim. Instead, the Applicant has amended the claim to ~~means for receiving bid information from at least one of said users~~. Also in claim 87, at various places, the Office Action suggested changing the second and subsequent occurrences of "an auction" to ~~said auction~~. The Applicant believes that the readability of the claim is improved by instead changing the second and subsequent occurrences of "an auction" to ~~the auction~~. At the same time, in the preamble of claim 87, the Applicant has changed "system for auctioning a plurality of items" to ~~system for conducting an auction of a plurality of items~~, so that the reference to "an auction" on line 18 could be changed to ~~the auction~~, again simply to improve the readability of the claim.

The Applicant has responded to the suggested changes to claim 97 in similar fashion to the suggested changes to claim 87.

The Office Action suggested in claim 107, line 11, changing "including the selecting of bids" to ~~including selecting of bids~~. The Applicant believes that the readability of the claim is improved by instead changing this phrase to ~~including selecting bids~~.

The Office Action suggested in claim 117, line 4, changing "transmitting bid information" to ~~transmitting said bid information~~. The Applicant has declined to make this change because the previous reference within this claim is to "bid related information", *not* to "bid information", so the use of the word "said" would be inappropriate. Also, the Office Action suggested in claim 117, line 11, changing "including the selecting of bids" to ~~including~~

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selecting of bids—. The Applicant believes that the readability of the claim is improved by instead changing this phrase to —including selecting bids—.

The Office Action suggested in claim 137, line 13, changing “subject to the constraint” to —subject to constraints—. The Applicant has declined to amend the claim in this exact way because it could affect the scope of the claim. As written, the claim specifies that there is at least one constraint. Amending the claim as suggested might suggest that there are at least two constraints, which again would affect the scope of the claim. Instead, the Applicant has amended the claim to —subject to a constraint—. The Applicant has also amended line 13 of claim 157, line 12 of line 174, and line 12 of claim 188 in the same way.

The Office Action suggested in claim 147, line 11, changing “a function of the value parameters  $P_i$  of the selected bids” to —a function of one or more value parameters  $P_i$  of the selected bids—. The Applicant has declined to amend the claim in this way, as the Applicant believes that the change would make the claim confusing, and believes that the prior references to “value parameter  $P_i$ ” on lines 5 and 7 make the reference to “the value parameters  $P_i$ ” clear. The Applicant has also declined to make the corresponding amendment in claim 157, line 11.

The Office Action suggested in claim 157, line 4, changing “receiving bid information from users” to —receiving bid information from said users—. The Applicant has declined to amend the claim in this exact way because it again would affect the scope of the claim. As written, the claim specifies that bid information is received from users. Amending the claim might suggest that bids must necessarily be received by all users which again would affect the scope of the claim. Instead, the Applicant has amended the claim to —receiving bid information from at least one of said users—.

The Office Action suggested in claim 188, line 6, changing “receiving bid related information from users...” to —receiving bid related information from said users—. The Applicant has declined to amend the claim in this exact way because it again would affect the scope of the claim. As written, the claim specifies that bid related information is received from users. Amending the claim might suggest that bids must necessarily be received by all users which

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again would affect the scope of the claim. Instead, the Applicant has amended the claim to –  
receiving bid related information from at least one of said users–.

In view of the foregoing, Applicant submits that the claims as amended herein comply  
with the formal requirements, wherefore, Applicant believes the application is in condition for  
allowance and reexamination and allowance of the application is submitted.

Dated:

Respectfully submitted,

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received by all users which again would affect the scope of the claim. Instead, the Applicant has amended the claim to –receiving bid related information from at least one of said users–.

In view of the foregoing, Applicant submits that the claims as amended herein comply with the formal requirements, wherefore, Applicant believes the application is in condition for allowance and reexamination and allowance of the application is submitted.

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